

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**PHYLLIS E. RICHMOND-
STEWART,**

Plaintiff,

v.

Case No: 6:21-cv-549-GKS-JBT

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER

THIS CAUSE comes before the Court upon Defendant, Commissioner of Social Security's (Commissioner), Unopposed Motion for Entry of Judgment with Remand (Doc. 26) (Motion). Defendant states that "[u]pon receipt of the Court's Order, the agency will give further consideration to the medical opinions and prior administrative medical findings." (Doc. 26:1). The Court referred the Motion to the United States Magistrate Judge for a report and recommendation (Report and Recommendation).

On February 15, 2022, the United States Magistrate Judge issued a Report and Recommendation, (Doc. 27), recommending that Defendant's Motion be granted,

the Commissioner's decision be reversed and remanded, and judgment be entered in favor of Plaintiff.

After review and consideration of the Report and Recommendation, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. United States Magistrate Judge Joel B. Toomey's Report and Recommendation (Doc. 27) is **APPROVED** and **ADOPTED**, and made part of this Order for all purposes, including appellate review.

2. Defendant Commissioner of Social Security's Unopposed Motion for Entry of Judgment with Remand, (Doc. 26), is **GRANTED**.


3. The final decision of the Commissioner is **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g), for the reasons stated in the Motion.

4. The Clerk of Court is **DIRECTED** to enter Judgment in favor of Plaintiff, Phyllis E. Richmond-Stewart, and against Defendant, Commissioner of Social Security, and **CLOSE** this case.

If Plaintiff ultimately prevails in this case upon remand to the Social Security Administration, any motion for attorney's fees under 42 U.S.C. § 406(b) and/or 42 U.S.C. § 1383(d)(2) must be filed within sixty days of the date on the agency's letter stating the amount of past due benefits. *See In re Admin. Orders of the C.J.*, Case No. 3:21-mc-1-TJC, Doc. 43 (M.D. Fla. Dec. 7, 2021). The remand Order does not

extend the time limits for filing a motion for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412.

DONE AND ORDERED at Orlando, Florida, this 14th day of ^{March}~~February~~, 2022.



G. KENDALL SHARP
SENIOR UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record
Unrepresented Parties